

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, DECEMBER 13, 19 88

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE
COUNCIL CHAMBERS Tuesday EVENING December 13, 19 88,
IN Regular SESSION. PRESIDENT *John O. Stier*
Thomas C. Henry
IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine, AND
Sandra E. Kennedy CLERK, AT THE DESK, PRESENT THE
FOLLOWING MEMBERS _____ VIZ:

BRADBURY <u><i>P</i></u>	BURNS <u><i>P</i></u>	GiaQUINTA _____
HENRY _____	LONG <u><i>P</i></u>	REDD <u><i>P</i></u>
SCHMIDT <u><i>P</i></u>	STIER <u><i>P</i></u>	TALARICO <u><i>P</i></u>

ABSENT: _____

COUNCILMEMBER: _____

THE MINUTES OF THE LAST REGULAR November 22, 19 88,

_____, 19,

SPECIAL _____, 19,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,
APPROVED AND PUBLISHED.



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

29 November 1988

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-88-11-10

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
29th day of November 1988.

Robert Hutner
Secretary

FACT SHEET

Z-88-11-10

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

APPROVAL DEADLINE**REASON**

From R-1 to R-2

DETAILS**Specific Location and/or Address**

400 - 500 Block of Ludwig Road

Reason for ProjectDevelopment of 144 lots for approximately
188 dwelling units.**Discussion (Including relationship to other Council actions)**21 November 1988 - Public Hearing

See Attached Minutes of Meeting

28 November 1988 - Business MeetingPetitioner submitted a request for
withdrawal of this rezoning request
and the primary development plan for
this project.**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**
Wilmer Rodenbeck
Laverne Linnemeier
City Department

Other

Opponents**Groups or Individuals**Nancy Kloha, 816 Ludwig Pk D
Mike Twidum, 6407 Sharon Dr**Basis of Opposition**-increase traffic congestion
-devalue properties in area
-not compatible with existing
development**Staff
Recommendation**☐ For ☒ Against**Reason Against**-approval would allow for a
higher density that could be
be detrimental to area**Board or
Commission
Recommendation****By**☐ For ☐ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass ☐ Other
☐ Pass (as
amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 21 October 1988

Projected Completion or Occupancy

Date 30 November 1988

Fact Sheet Prepared by

Date 30 November 1988

Patricia Biancaniello

Reviewed by

Date

Dec. 6, 1988

Reference or Case Number

Public Hearing on Zoning Map Amendment and a Primary Development Plan

- a. Change of Zone #375
From R-1 to R-2
400-500 Block of Ludwig Road

Primary Development Plan - Stonefield

Doug McComb, the project engineer addressed the Primary Development Plan for Stonefield. Mr. McComb stated that they had met with Water Pollution Control Engineering and Street Engineering regarding the questions they had concerning access to the project and storm water retention on the project. He stated that they have found that all of the engineering departments of the city would approve the development with conditions that would be acceptable to the developer. He stated that they certainly know that there is a need to do some retention of water on the property and possibly make some adjustments on their access to Ludwig Road and Washington Center Road, to accommodate apparently a new street design. He stated they possibly have to limit their access to just one on Ludwig Road, where they have a proposed office development to be built at a later date. He stated they have also discussed with traffic engineering access onto Rodenbeck Drive and possibly making some changes to the plat regarding that access. He stated they would like to exclude Lots 1 through 30 and the professional development that is in the northeast corner of the property.

Leroy Lepley, developer of the project appeared before the Commission. Mr. Lepley stated that they are requesting the rezoning to allow for duplexes to be developed on the subject property. He stated that they had met with the community association and presented the plan to them. He stated they have taken the associations comments under advisement. He stated they had also met with the planning staff and have taken their comments under advisement. He stated that this was in previously for a rezoning for condominiums and the petitioner dropped the project. He stated they have reduced the density from the previously submitted plan.

Mel Smith questioned if they intended to do all of the development in one phase. He questioned how long it would take to complete the whole project.

Mr. Lepley stated there would be 3 or 4 phases. He stated they would do about 30 to 40 lots at a time. He stated it would take approximately 5 years to complete the whole project.

Mel Smith questioned what the total height of the tallest building would be.

He stated about 24 foot.

John Shoaff questioned why the duplexes were so important to this project.

Mr. Lepley stated that they felt there was a need for duplexes in the community. He stated that they have a lot of potential buyers for duplexes. He stated that a lot of people are buying duplexes and renting the other half as an income.

Janet Bradbury stated that there are some incentives for doing mixed use developments and questioned if they had explored that possibility with the staff. She stated she would urge them to do so.

Mr. Lepley stated they had not.

Mel Smith questioned if there is a drainage problem on the property.

Mr. McComb stated that he did not want to say there isn't one, but that they have one that can be solved. He stated that they have met with people from the Water Pollution Control Department to discuss the need to control their water runoff. Mr. McComb stated there are problems that have to be considered but none that he felt were a problem, they are fairly typical to any residential development.

Mark Gensic stated that no where on the primary development plan do they indicate any potential area that they intend to use for detention.

Mr. McComb stated that right now where they have indicated existing buildings that ground is also a part of the development and this is the future area for the detention pond.

Mr. Gensic stated that they are shown a plat with none of the detention area shown and they are being asked to make a decision without what he felt was necessary information.

Mr. McComb stated that it is not required to show utilities on a primary. He stated that they had however met with the engineering departments and he felt that they can accommodate any problems that are there.

John Shoaff made a part of the record a petition that had been received in remonstrance to the requested rezoning & primary plan. He stated that the petition had been signed by 227 individuals, representing 142 of the 221 homes in Ludwig Park Addition and by 15 individuals representing 14 of the 22 homes on Ludwig Circle and Ludwig Road.

Nancy Kloha, 816 Ludwig Park Drive, Board Member of the Ludwig Park Community Association, appeared before the Commission. Ms. Kloha stated that some of the objections to the project are based on the fact that the traffic concentration in that constricted

area will add to the hazards, delays, and frustration already experienced by residents as they enter and leave the neighborhood. She stated that knowing the problems created by delays in upgrading St. Joe Road, St. Joe Center Road, State Blvd., Lake Avenue and most of the main arteries in the northeast part of the City and County they felt that local government would surely avoid additional development in the northwest area until road improvements are made. She stated that the proposed development would add 350 to 400 cars to the neighborhood. She stated that there are no traffic lights to facilitate cars leaving and entering the addition. She stated that the streets in Ludwig Park were built while under county jurisdiction and are not 25 feet wide but 20 feet wide. She stated this development would probably cause the property values in the area to decrease and requested the Commission deny the request.

Mike Twidum, 6407 Sharon Drive, appeared before the Commission. He stated that he would request that the Commission deny the requested rezoning. He stated they feel that this development would create an unacceptable density. He stated Ludwig Park has a density of 2 per acre while this development is proposing a 5.5 acre density. He stated that they have concerns about the designs of the roads that they are proposing. He stated that they would have to go through Ludwig Park to get to Washington Center Road since no access would be allowed on Washington Center Road from this project. He stated that for this development to go in initially the detention needs to be one of the first things that goes is developed. He stated that the developer intends to use the property that the existing structures are on for the detention area for runoff. He questioned that since this property is in a life estate was this was practical or possible. He also stated that he felt this project was in conflict with the comprehensive plan. He stated that this project is not compatible with the surrounding area. He further stated that it would seem to be a problem developing something with such a high density in the flight plan of the airport. He stated that it is not the desire of Ludwig Park to be in opposition to every plan that is brought before the Commission and Council. He stated that they would be willing to cooperate with any developer that would see fit to develop the property, but they do have their own interests to worry about. He stated that they would be willing to work with a developer in coming up with a project that would be compatible for the area.

Janet Bradbury questioned if Mr. Twidum had information about no access onto Washington Center Road from Rodenbeck Dr.

Mr. Twidum stated that because it would be too close to the overpassand what is going to be done with I-69 possibly no access would be allowed.

The following people also spoke in opposition to the request:

Mr. Bill Swisher, 904 Pelham Drive

Richard Vaughn, 1400 Orlando Drive
Ralph Batram, 705 Orlando Drive
Levitta Smith, 927 Ludwig Park Drive

these residents echoed the same concerns as previously stated by Ms. Kloha and Mr. Twidum with regard to the traffic, water runoff and the use not be compatible with the area.

In rebuttal Mr. Lepley quoted from the staff report regarding the compatibility of this project: "The General Land Use Policies of the Comprehensive Plan stated that rezoning and development proposals should be compatible with existing and planned land use and should not establish an undesirable precedent in the area to be developed. The Goal in the North Sector, where this request is located is for orderly growth. This proposal is compatible with surrounding land uses and is consistent with the Comprehensive Plan". He stated that they are not proposing an access onto Washington Center Road from Rodenbeck Drive. He stated that this cut shown on the plat is taken from the existing plat. He stated that this cut is not shown on their proposed plat. He stated that at the time Ludwig Park was put in it was in the county and land at that time was fairly cheap and easily developed, therefore they have bigger lots which allows for less density. He stated that to develop that size of lots today is not feasible. He stated that they are in compliance with the lot size as required by the City.

Doug McComb stated that they are aware of the drainage problems and they have discussed them with the city. He stated that they are aware that they will need to retain water on the site. He stated that retaining water on the first phase will be required and that will be accommodated. He stated the best that any developer could offer is that they will design a storm system there that will keep the runoff to that 5 year storm that would be designed for an undeveloped piece of ground. He stated that he felt confident that they could design a storm system that would not make the system any worse than it is presently. He stated he could not offer to make it better.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning or primary development plan.

November 28, 1988

RE: Rezoning of Stonefield Sub-division
from R-1 to R-2, and Development Plan

Fort Wayne Plan Commission

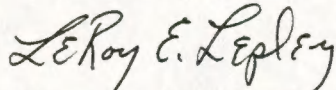
Dear Members:

We are hereby withdrawing our petition for rezoning and sub-division approval at this time due to our meeting with the planning staff.

We are going to re-submit with a new site sub-division plan and rezoning petition based upon planning staff comments received as of this date.

We sincerely appreciate your time and effort which you have given this petition to date.

Respectively,

A handwritten signature in cursive script that reads "LeRoy E. Lepley". The signature is written in dark ink and is positioned above the printed name.

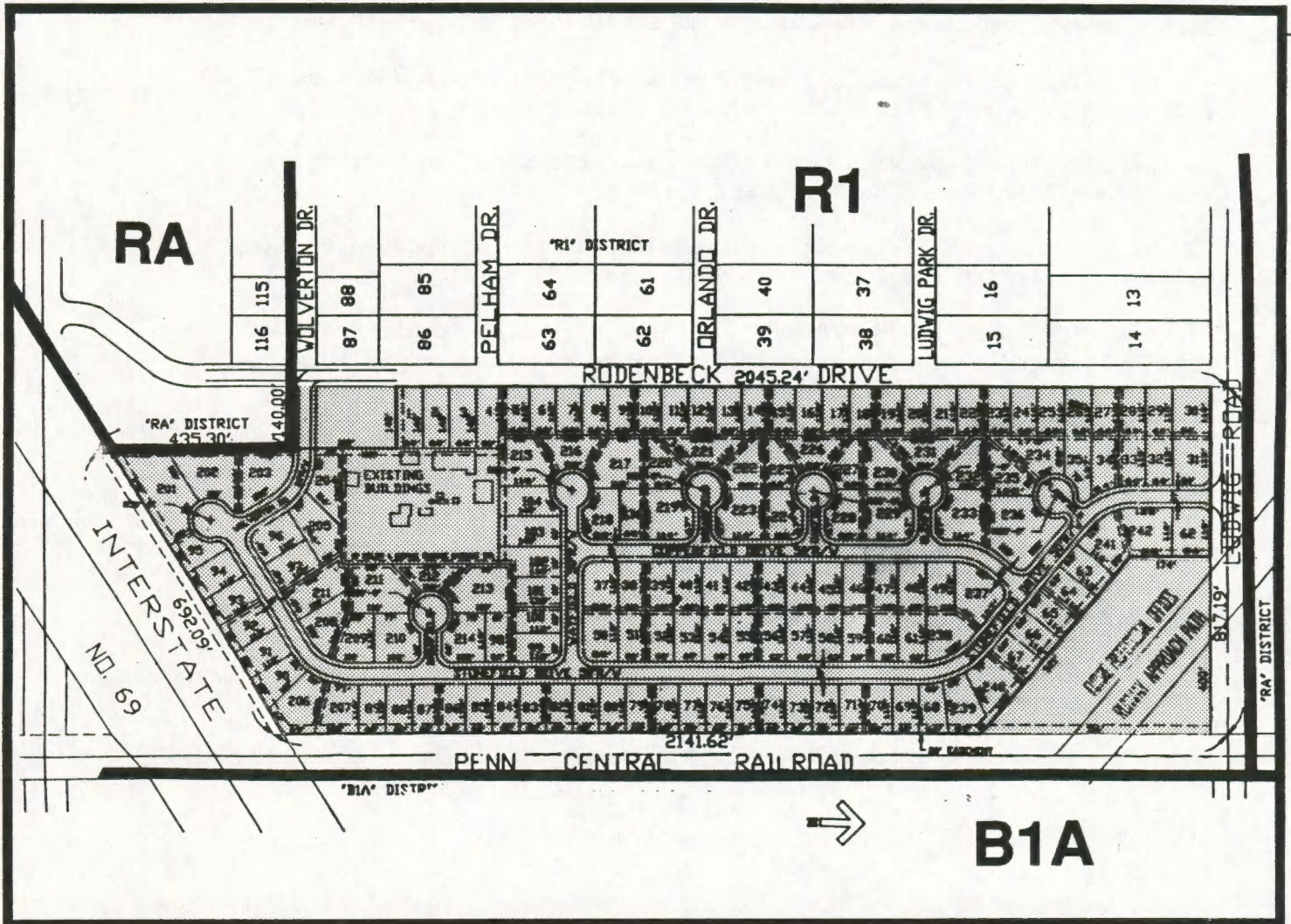
LeRoy E. Lepley
Petitioner

REZONING PETITION #375

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A R1 DISTRICT TO A R2 DISTRICT.

MAP NO. L-38

COUNCILMANIC DISTRICT NO. 3



ZONING:

RA RESIDENCE "A"

R1 RESIDENTIAL DISTRICT

B1A LIMITED BUSINESS "A"

LAND USE:

- ☐ SINGLE FAMILY
- ☐ COMMERCIAL

SCALE: NTS

DATE: 10-26-88

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 22, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-88-11-10; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 21, 1988.

WHEREAS, a letter requesting WITHDRAWAL of the proposed ordinance has been filed with the City Plan Commission.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 28, 1988.

Certified and signed this
29th day of November 1988.

A handwritten signature in dark ink, appearing to read "R. Hutner", written over a horizontal line.

Robert Hutner
Secretary

Summit Land Investments, Inc., agent for Wilmer Rodenbeck and LaVerne Linnemeier, request a change of zone from R-1 to R-2.

Location: 400-500 Block of Ludwig Road

Legal: See File

Land Area: Approximately 37.4 acres

Zoning: R-1

Surroundings:	North	RA	Smith Field (Airport)
	South	B1B/B3B	Commercial
	East	B-1-A	Offices & Open
	West	R-1	Single Family Residential

Reason for Request: Development of 144 lots for approximately 188 dwelling units.

Neighborhood Assoc.: Ludwig Park

Neighborhood Plan: No comment

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land use and should not establish an undesirable precedent in the area to be developed. The Goal in the North Sector, where this request is located, is for orderly growth. This proposal is compatible with surrounding land uses and is consistent with the Comprehensive Plan.

Landscape: No comment.

Planning Staff Discussion:

This area borders the railroad to one side, with non-residential uses on the other two sides, and single family residential to the west. Currently the land has been used for farming.

We are very concerned with the potential development of this tract, as are the Ludwig Park residents. Ludwig Park is primarily a single family residential development consisting of larger lot homes. To the north is the Smith Field airport, which poses additional developmental constraints upon this site.

This tract of ground has been before the Plan Commission previously for a condominium project which was withdrawn by the petitioner. Our major concerns deal with the compatibility of the possible development of this tract with the surrounding

residential development, the impact on traffic volumes, the proximity to the airport, and associated safety concerns.

This proposal is accompanied by a primary plat for the subdivision of the parcel into lots to be used for either single family or "scattered" duplex use. Duplex uses are not permitted under the current zoning classification. If approved, the entire tract could be developed into duplex lots. While these lots could serve as a buffer between the office uses east of the railroad, the density could be much higher than what would be compatible with the residential development to the west.

We are also concerned with the possible impact that a potential 288 additional family units could have on existing conditions (144 lots, if all zoned R-2 could yield a duplex on each lot). Plus we have to consider the advisability of having that much additional residential development located so near the airport. Generally speaking, residential uses are not the best use of ground this close to an airport, and the higher the potential density, the lower the appropriateness of the use. There are no parcels of ground in the immediate vicinity that are zoned R-2.

After careful consideration of the petition and the surrounding area, we feel that a lower density residential development would be more appropriate for the site. While the Subdivision Control Ordinance can not require lot sizes higher than the Zoning Ordinance requires, failure to rezone the site would require subdividing the parcel at a lower density (144 lots proposed).

In response to our request for review comments on the proposed subdivision plat, the Airport Authority has provided us with the following comments; "...the Airport Authority is currently undertaking a Master Plan and Site Analysis for Smith Field Airport, and can not comment on any future impact this development may have on Smith Field. In general, based on Smith Field's current use, residential development (especially high density residential development) is highly undesirable this close to an active runway approach. Additionally, office development, this close to the Airport, and directly under Runway 31's approach zone, could lead to land use compatibility problems."

Recommendation: Do Not Pass

- 1) Approval would establish the only R-2 parcel in the immediate vicinity.
- 2) Approval would allow for a higher density development that could be detrimental to the area in terms of public safety and welfare.
- 3) We should not encourage high density residential development this close to a municipal airport.



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

29 November 1988

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-88-11-09

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
29th day of November 1988.

Robert Hutner
Secretary

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE

REASON

From B-1-B to B-3-B

DETAILS

Specific Location and/or Address

1524, 1528 & 1536 St Marys Av

Reason for Project

Used Car Sales

Discussion (Including relationship to other Council actions)

21 November 1988 - Public Hearing

Joe McGibbon, representing the petitioner, stated that they were requesting the rezoning in order to obtain an auto dealership license so they can run a "buy here - pay here" auto service in conjunction with their current rent to own furniture and appliance business at this location. He stated that at the most they will probably have 5 to 10 cars on the lot at any time. He stated they do not intend to change any of the existing business. He stated that to deny the request would put a hardship on the business in as much as the TV sales are not enough to sustain this business. He stated that the owner Mr. Mullins would consider some type of a restrictive covenant to run with the land which would limit him to having only 5 to 10 cars on the property at one time.

Wil Smith questioned if they had discussed this request with the neighborhood.

Mr. Mullins stated that he had not.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

Rarick's Inc/Billy Mullins
City Department

Other

Opponents

Groups or Individuals

Richard Borton, VP Hamilton
Park Neighborhood Assn

Basis of Opposition

-would conflict with the
stabilizing of the residen-
tial character of area

Staff
Recommendation☐ For☒ Against

Reason Against

-approval would be contrary
to the Comprehensive Plan

Board or
Commission
Recommendation

By

☐ For☒ Against☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL
ACTIONS
(For Council
use only)☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

Richard Borton, 905 Third St, VP of the Hamilton Park Neighborhood Association appeared before the Commission. He stated he had been directed by the Association to speak in opposition to the request. He stated that the association feels it is important to stabilize the residential character of the area and felt this request would be in direct conflict with that goal. He questioned if the request were approved if this business would have the required parking for both uses.

Mr. McGibbon stated that they have no problem with parking on this site. He stated that this is a neighborhood business which services the area and is a convenience to the area residents.

Sandra Borton, 905 Third Street, appeared in opposition to the request. She stated she felt there was no need for further business expansion in this area.

Mr. McGibbon stated that they feel it would be better for the neighborhood to have a viable business on this property rather than a vacant building.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

28 November 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation. Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Of the seven (7) members present six (6) voted in favor of the motion one (1) did not vote.

Project Start

Date 17 October 1988

Projected Completion or Occupancy

Date 30 November 1988

Fact Sheet Prepared by
Patricia Biancaniello

Date 30 November 1988

Reviewed by

Date Dec. 6, 1988

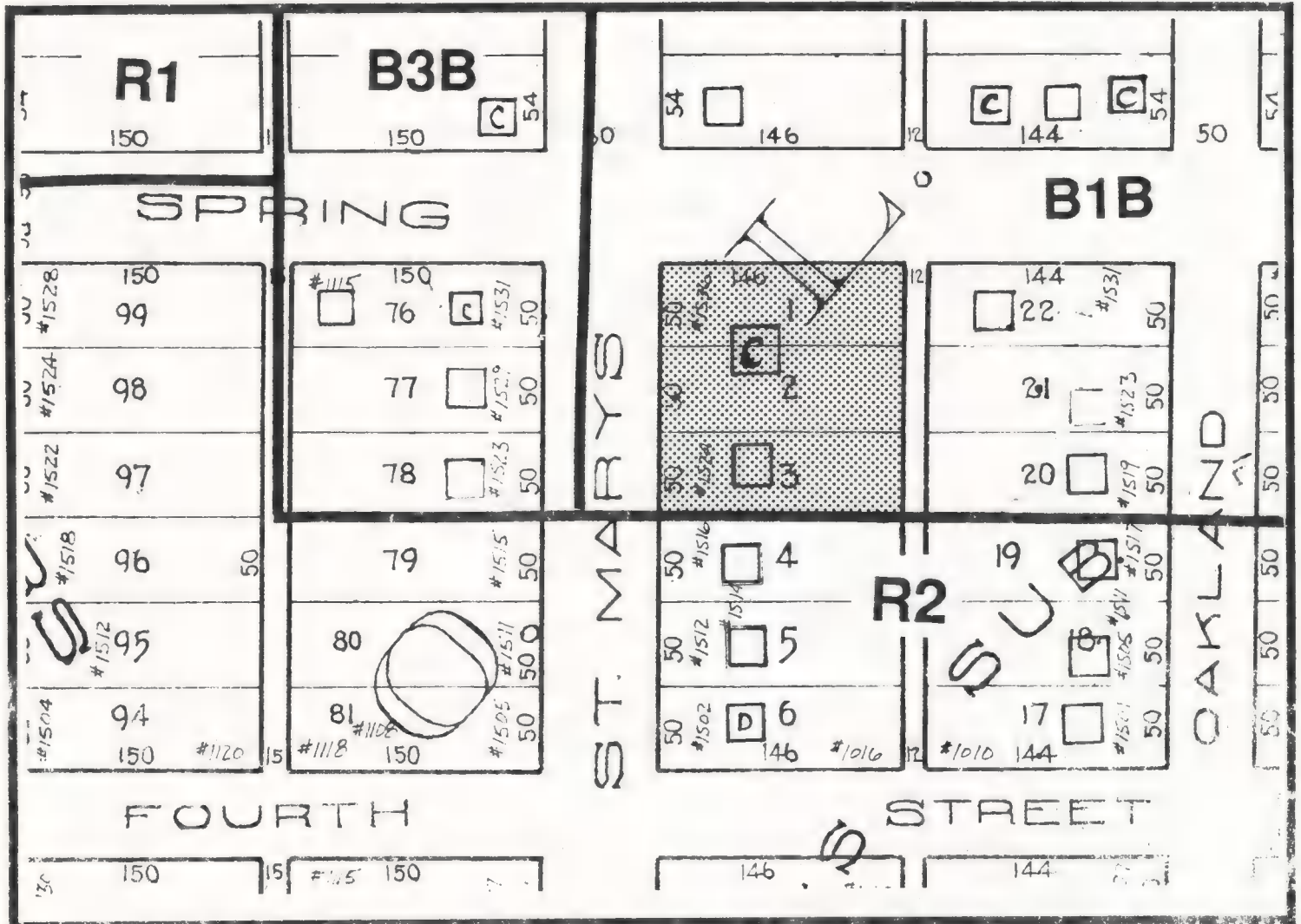
Reference or Case Number

REZONING PETITION #374

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A B1B DISTRICT TO A B3B DISTRICT.

MAP NO. K-10

COUNCILMANIC DISTRICT NO. 3



ZONING:

R1 RESIDENTIAL DISTRICT

R2 RESIDENTIAL DISTRICT

B1B LIMITED BUSINESS "B"

B3B GENERAL BUSINESS "B"

LAND USE:

☐ SINGLE FAMILY

☒ COMMERCIAL

☐ DUPLEX

SCALE: 1"=100'

DATE: 10-26-88

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 22, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-88-11-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 21, 1988.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

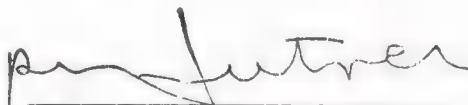
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 28, 1988.

Certified and signed this
29th day of November 1988.



Robert Hutner
Secretary

Billy G. Mullins, agent for John & Mary Rarick, request a change of zone from B-1-B to B-3-B.

Location: 1524-1528-1536 St. Marys Ave.

Legal: Lots 1, 2 and 3 Francis Beck's Subdivision of Ewing's Out Lots (Lot 9)

Land Area: Approximately 0.502 acres

Zoning: B-1-B

Surroundings:

North	B1B/B3B	Commercial
South	R-2	Residential
East	B1B	Residential
West	B3B	Residential & Commercial

Reason for Request: Not stated on petition

Neighborhood Assoc.: Hamilton Park

Neighborhood Plan: No comment

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The three main goals for the Central Area, where this request is located, are: 1) to maintain existing development; 2) to halt deterioration; and 3) to encourage reinvestment. Less restrictive commercial uses at this location are not consistent with the Comprehensive Plan and sets poor precedent for the residential area to the south.

Landscape: If approved, must provide a min. 6' ht. landscape screen consisting of plantings between site and adjacent R-2 district. Also provide a min. 3' ht. landscape screen between parking and street frontages. Parking areas should meet Z-10 requirements.

Planning Staff Discussion:

This site is located two blocks west of Sherman Street on the south side of the street. It is currently home to Rarick's TV. There are some B-3-B designated parcels in the immediate area, at the northwest and southwest corners of this intersection. Those sites are used for used car sales. A parcel to the east is used for automotive repair, but is located in a B-1-B designation. (We believe that site to be a legal non-conforming use.) The area to the east is B-1-B to Sherman Street and then becomes residentially zoned.

The B-1-B designation will permit over 90 commercial uses of varying impact on surrounding residential uses. The B-3-B designation provides for more intensified uses, including nightclubs, rummage shops, auto repair and other general retail, repair, recreational and automobile sales and service uses.

The Comprehensive Plan indicates this area as supporting residential uses. The character of the general area and its proximity to higher volume traffic arterials has mandated limited commercial uses along Spring from St. Marys to Sherman, and on Sherman north to Huffman. These uses, with some exception, are of a limited retail nature, and primarily serve the area residents.

Approval of this request would allow for an intensification of uses, to the possible detriment of the surrounding residential areas, and on the potential for realization of the goals of the Comprehensive Plan. We do not believe that approval would be in the best interest of the areas residents, nor of the City as a whole.

Recommendation: Do Not Pass

- 1) Approval would be contrary to the Comprehensive Plan.
- 2) Approval would deviate from the predominate character and conditions of existing structures and uses in the immediate vicinity.
- 3) Approval could have a detrimental effect on property values and general public safety and welfare of residents in the area.



The City of Fort Wayne

Division of Community Development & Planning
LAND USE MANAGEMENT

29 November 1988

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-88-11-08

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
29th day of November 1988.

A handwritten signature in dark ink, appearing to read "Robert Hutner", is written over a horizontal line.

Robert Hutner
Secretary

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE

REASON

From RA to R-3

DETAILS

Specific Location and/or Address 3619 Harris Road
Reason for Project Bed & Breakfast Establishment
Discussion (Including relationship to other Council actions) <u>21 November 1988 - Public Hearing</u> Carl McInteer, owner and petitioner, stated that his is the third house behind Club Olympia. He stated that the first house is used for a local union and the second is a residence. He stated that they feel this would be a good location for a bed & breakfast establishment. He stated that they do not feel that this would be a detriment to the area. John Shoaff questioned if he had been advised that he could apply to the Board of Zoning Appeals for a Use Variance for this use. Mr. McInteer stated he had not. Dave Samon, 3609 Harris Road, stated he was adjacent to the residence in question. He stated that he was not opposed to the proposed use, but was opposed to the rezoning of the property. There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

POSITIONS

RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Carl McInteer City Department Other
Opponents	Groups or Individuals Dave Samon / 3609 Harris Rd Basis of Opposition -opposed to rezoning classification not to use
Staff Recommendation	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against Reason Against -approval would set precedent for similar petitions in the future in this area
Board or Commission Recommendation	By <input type="checkbox"/> For <input checked="" type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

28 November 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.
Motion carried.

Of the seven (7) members present six (6) voted in favor of the motion one (1) did not vote.

NOTE: It should be noted that the staff recommendation suggested the petitioner consider requesting a variance from the Board of Zoning Appeals which would allow this use and not change the zoning classification.

POLICY/ PROGRAM IMPACT

Policy or
Program
Change

☐ No

☐ Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 17 October 1988

Projected Completion or Occupancy

Date 30 November 1988

Fact Sheet Prepared by

Date 30 November 1988

Patricia Biancaniello
Reviewed by

Date Dec. 6, 1988

Reference or Case Number

REZONING PETITION #373
A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED
PROPERTY FROM A RA DISTRICT TO A R3 DISTRICT.

COUNCILMANIC DISTRICT NO. 3



B1B LIMITED BUSINESS "B"

LAND USE:

☐ SINGLE FAMILY

SCALE: 1"=30'

DATE: 10-26-88

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 22, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-88-11-08; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 21, 1988.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 28, 1988.

Certified and signed this
29th day of November 1988.



Robert Hutner
Secretary

Carl McInteer requests a change of zone from RA to R-3

Location: 3619 Harris Road

Legal: See File

Land Area: Approximately 0.429 acres

Zoning: RA

Surroundings:

North	RA	Residential
South	RA	Residential
East	RA	Residential
West	RA/B1B	Open/Commercial

Reason for Request: Bed and Breakfast

Neighborhood Assoc.: None

Neighborhood Plan: No comment

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The Goal in the Middle Ring, where this request is located, is to maintain investments and prevent deterioration in existing neighborhoods. The proposal is consistent with the surrounding land uses, but single family uses are immediately north and south.

Landscape: If approved, any additional parking should meet Z-10 requirements and be screened from street views by a min. 3' ht. visual barrier.

Planning Staff Discussion:

This site is located on Harris Road just north of Goshen Road and the former Club O site. There is a single family residential structure and a home site currently used by the Operating Engineers Local 103 separating the petitioned site from the parking lot used by the Club O site. To the north are single family residential uses, duplexes and an apartment development. The east side contains single family uses and a duplex subdivision.

The intended use is a bed and breakfast facility which is not permitted in the RA district, but would be permitted in the R-3 classification. Many of the other uses permitted in the R-3 designation are also permitted in the current zoning. Some of those uses require Board of Zoning Appeals approval, such as a nursing home, or lodging home. It appears that this distinction has been made in order to provide a certain amount of protection of residential integrity and property values.

We feel that approval of this rezoning request would therefore be inappropriate. There are no R-3 designated properties in the immediate area, and the intended use could be approved thru an appeal to the Board of Zoning Appeals. The Board, if they saw fit to approve, could place whatever conditions they felt necessary to satisfy the intent of the Zoning Ordinance. BZA approval could only be granted following a public hearing, which would allow for specific public input regarding the intended use.

Recommendation: Do Not Pass

- 1) Approval would set a precedent allowing for similar petitions to be approved in the future.
- 2) Approval would not be in compliance with the intent of the Zoning Ordinance as it would bypass established procedures.
- 3) The stated intended use could be permitted, providing that its location would first be approved by the Board of Zoning Appeals following application and public hearing.



The City of Fort Wayne

Division of Community Development & Planning
LAND USE MANAGEMENT

29 November 1988

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-88-11-07

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
29th day of November 1988.

A handwritten signature in black ink, appearing to read "Robert Hutner", is written over a horizontal line.

Robert Hutner
Secretary

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment

From B-1-B to B-3-B

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address 5803 Decatur Road
Reason for Project Used Car Sales Lot
Discussion (Including relationship to other Council actions) <u>21 November 1988 - Public Hearing</u> Bruce Roth, realtor for the petitioners stated that his clients were requesting the rezoning in order to establish a used car lot on the property. He stated that he felt the neighborhood was in decline and felt that a well kept business of this nature would be an asset to the area. He submitted petitions with property owners signatures in the area that were in favor of the rezoning. He stated that his clients would agree to any screening requirements that the Commission would deem necessary if the rezoning were granted. He stated that he did not feel that this business would have an adverse impact on the traffic flow in the area. He stated that they would not be changing any of the existing structures on the property they would simply be painted. Mel Smith questioned if they would be doing any cleanup of the cars on the property. Mr. Roth stated that all cleanup would be done in the 2-car garage that exists

POSITIONS

RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Edson Finkenbiner James E. Letner City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against Reason Against -rezoning is not appropriate due to potential adverse impact on surrounding residentially used properties
Board or Commission Recommendation	By <input type="checkbox"/> For <input checked="" type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

presently on the property.

Mel Smith questioned what type of lighting would be used on the lot and if the entire lot was paved or graveled.

Mr. Roth stated that they would use whatever lighting was acceptable to the City and that the lot was completely paved.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

28 November 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation. Motion carried.

Of the seven (7) members present six (6) voted in favor of the motion one (1) did not vote.

POLICY/ PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 14 October 1988

Projected Completion or Occupancy

Date 29 November 1988

Fact Sheet Prepared by
Patricia Biancaniello

Date 29 November 1988

Reviewed by

W. Roth

Date

Dec. 6, 1988

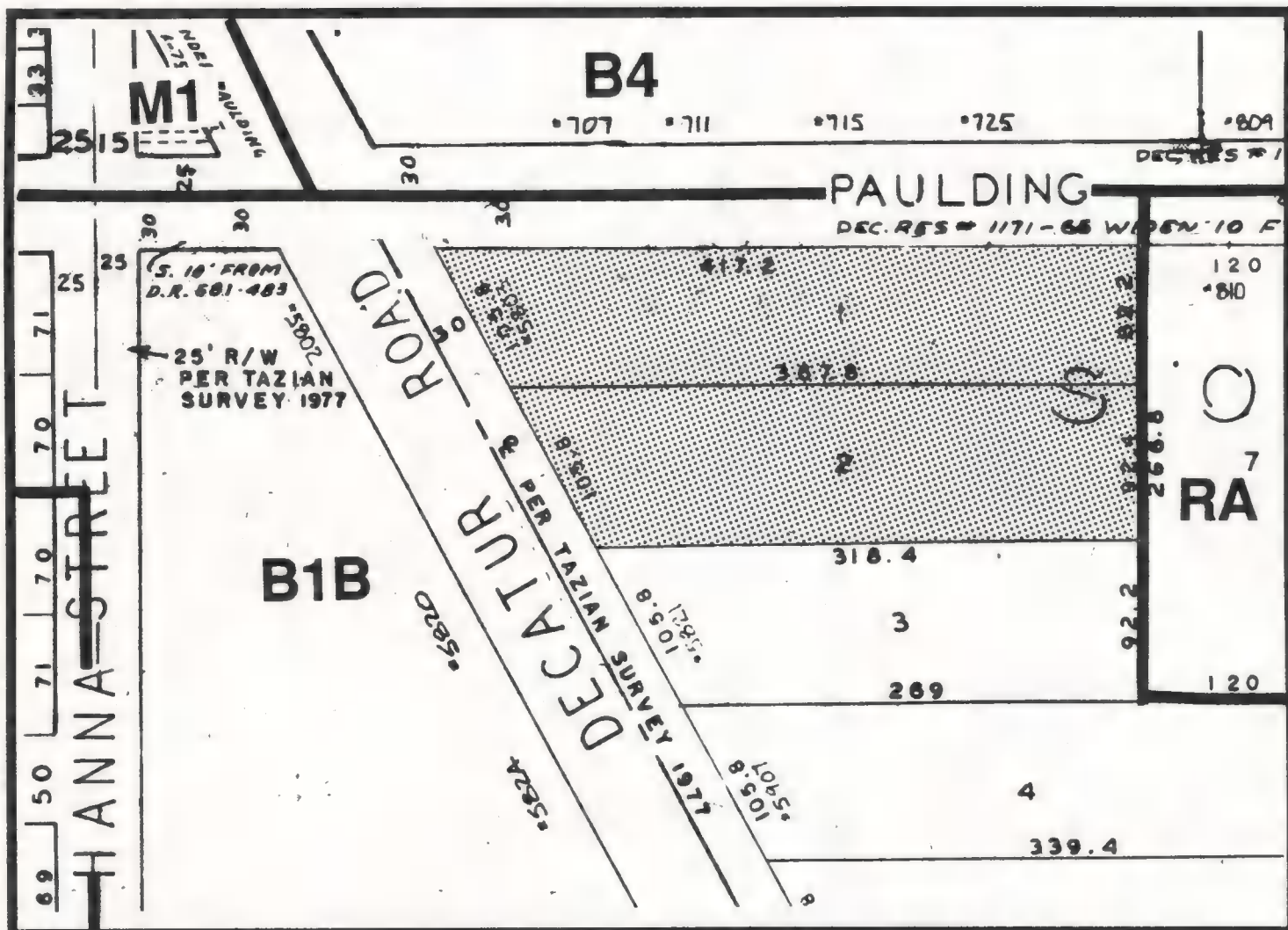
Reference or Case Number

REZONING PETITION #372

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A B1B DISTRICT TO A B3B DISTRICT.

MAP NO. N-23

COUNCILMANIC DISTRICT NO. 6



ZONING:

RA RESIDENCE "A"

B4 ROADSIDE BUSINESS

B1B LIMITED BUSINESS "B"

M1 LIGHT INDUSTRY

LAND USE:

- ☐ SINGLE FAMILY
- ☐ COMMERCIAL

SCALE: 1"=100'

DATE: 10-26-88

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 22, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-88-11-07; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 21, 1988.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

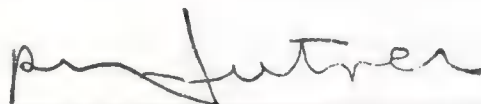
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 28, 1988.

Certified and signed this
29th day of November 1988.


Robert Hutner
Secretary

Bruce Alan Roth, agent for Edson Finkenbinder, requests a change of zone from B-1-B to B-3-B.

Location: 5803 Decatur Road

Legal: Lot 1 & 2 Southside Suburban Pl. Add.

Land Area: Approximately 1.64 acres

Zoning: B-1-B

Surroundings:	North	B-4	Commercial & Multifamily
	South	B-1-B	Commercial
	East	RA	Residential
	West	B-1-B	Commercial

Reason for Request: Not stated

Neighborhood Assoc.: None

Neighborhood Plan: No comment

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The Goal in the Middle Ring, where this request is located, is to maintain investments and prevent deterioration in existing neighborhoods. Preservation of existing land uses of the area is consistent with the Comprehensive Plan. Mixed commercial and industrial uses in the immediate area would indicate no adverse impact.

Landscape: If approved, provide a 20' wide landscape buffer planted and mounded to provide a screen between site and adjacent RA district. Provide a min. 3' ht. landscape screen between parking and street frontages. Parking areas should meet Z-10 requirements.

Planning Staff Discussion:

This area is shown in the Comprehensive Plan as being capable of supporting commercial uses. The existing zoning designation is a limited business classification that allows for approximately 90

different uses. The immediate vicinity of this parcel has more intense zoning classifications with residential to the east.

The uses in this area appear to be of a more limited or less intense scale, and there appears to be a somewhat logical delineation based on Paulding and Decatur Roads. (Existing uses include a mobile home court, a Burger Dairy Store and a Richard's)

This parcel of ground was previously before the Plan Commission in 1986. At time the request was made to re-classify the parcel to B-3-B. The petition was denied at that time, and we do not feel that there has been any substantial change in the area to justify a reversal of that recommendation.

We feel that the existing zoning is appropriate based on the uses in place in the immediate vicinity, and on its physical proximity to residential uses. Approval of this petition would encourage intensification of uses and additional rezoning petitions.

Recommendation: Do Not Pass

- 1) Rezoning is not appropriate due to the potential adverse impact on the surrounding residentially used properties.
- 2) Existing designations are generally more intense than what the actual uses dictates.
- 3) Approval could result in additional petitions in the area resulting in a pocket of more intense development.



The City of Fort Wayne

Division of Community Development & Planning
LAND USE MANAGEMENT

29 November 1988

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-88-10-08

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
29th day of November 1988.

A handwritten signature in black ink, appearing to read "Robert Hutner", is written over a horizontal line.

Robert Hutner
Secretary

Division of Community Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Ordinance Amendment

From RA to B2D

DETAILS

Specific Location and/or Address The southwest corner of Coldwater and Washington Center Roads.
Reason for Project Shopping Center Development
Discussion (Including relationship to other Council actions) <u>17 October 1988 - Public Hearing</u> See Minutes of Attached Meeting <u>21 November 1988 - Public Hearing</u> See Minutes of Attached Meeting <u>28 November 1988 - Business Meeting</u> Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation. Of the seven (7) members present five (5) voted in favor of the motion, one (1) voted against, one (1) did not vote. Motion carried. NOTE: Plan Commission placed appropriate conditions on the primary development plan, & recommended an approval of the rezoning petition.

POSITIONS

RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/Proponents	Applicant(s) Trammell Crow Company City Department Other
Opponents	Groups or Individuals Nancy Kloha, 816 Ludwig Rd A.W. Fruchtenicht, attorney Basis of Opposition -would add to traffic congestion - would add to storm water runoff in area - development is not needed in area
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

POLICY/ PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 16 September 1988

Projected Completion or Occupancy

Date 1 December 1988

Fact Sheet Prepared by

Date 1 December 1988

Patricia Biancaniello

Reviewed by

Date

Dec 6, 1988

Reference or Case Number

Public Hearing on a Zoning Map Amendment and a Primary Development Plan

- a. Bill No. Z-88-10-08 - Change of Zone #369
From RB to B-2-D
Approximately the southwest corner of Washington Center Road and Coldwater Road.
- b. Primary Development Plan for "Coldwater Crossing"

Robert Hoover, attorney for the petitioners and developers appeared before the Commission. Mr. Hoover discussed the need to continue the hearing until the November 21, 1988 public hearing in view of the staffs comments and recommendations, which they had only just received on Friday.

Motion was made by Yvonne Stam, seconded by Mark Gensic to continue the public hearing in November but to hold a public hearing that evening due to the number of citizens who had come for the meeting. Motion carried.

Mr. Hoover went on to discuss the proposal by reviewing the staff comments and giving a brief overview of the history of the site, the reasons for seeking a B-2-D, and their proposed improvements to roadways in the area. He further addressed the current traffic situation, and proposed improvements to that situation, which he felt he could not comment on if the project is downsized. He noted for the Commission that 71% of the proposed tenant space is already leased, that the project would create 1250 jobs and generate an estimated 15 million dollars for the economy. Mr. Hoover summarized by saying the site will be developed and that Trammel Crow is a nationally known developer and that the plan they are proposing is a good one including substantial off-site improvements and the generating of money into the local economy. He did however state that the access on Coldwater Road is an absolute, that it was in fact a "deal breaker". He also stated that downsizing the project as suggested by staff may cause major problems.

The following people spoke in opposition:

A.W. Fruechtenicht, attorney representing Tara Apartments - Gene Glick & Company presented the Commission with 240, more or less, signature petition expressing the concerns of the residents. Those included no access from Essex Lane, heavy mounding & landscape buffering, and the additional 10.3 acre site shown on the site plan for future development to be served by internal access only. He stated that if the Commission approved an access on Essex Lane that it should be relocated further east.

Keith Hedrick, 5432 Archwood Lane, representing Northcrest Addition & Northcrest Woods

Paul Leman, 5421 Riviera Drive

Ed Weigmann, 324 E Essex Lane, school crossing guard for Tara

Nancy Kloha, 816 Ludwig Park Drive
Tom Henry, Councilman
Fred Koverman, 5225 Stony Run Lane
Paul Glick, representing Tara

The basis for the opposition was as follows:

- no need for further development of this type in area - area is already inundated with shopping centers and residents in area are surrounded by commercial uses and they questioned the market need
- it was stated that Coldwater Road already has a traffic count of 25,000 to 30,000 cars a day this would add to the already serious traffic problems on Coldwater as well as on Washington Center Road
- residents of Tara have only Essex Lane as access they do not want a business cut on to Essex
- flooding in area of Coldwater Road cuts off all traffic flow this would only create additional flooding
- safety of pedestrian traffic would be threaten more by additional development
- there was concern on the part of the residents that more development of this nature would devalue their properties to the extent that they would be unable to sell
- the sewer lines in the area would not be adequate for the additional output

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning and development plan.

The public hearing on this project was not closed but was to be continued at the November Public Hearing of the Plan Commission.

Public Hearing on a Zoning Map Amendment and a Primary Development Plan Continued From the October Public Hearing

- a. Bill No. Z-88-10-08 - Change of Zone #369
From RB to B-2-D
Approximately the southwest corner of Washington Center Road and Coldwater Road.
- b. Primary Development Plan for "Coldwater Crossing"

Bob Hoover, attorney representing the petitioner and developer appeared before the Commission. Mr. Hoover stated that last month they requested a continuance in that the staff had filed a recommendation asking them to downsize the project to a B2C zoning and to alter the site plan accordingly. We indicated to you at that time that they did not think the economics of the project would work under such a plan, that they could not make the substantial off site improvements that the city feels is necessary and that they could not complete any other substantial investments under a plan that would include such downsizing. More importantly we indicated to you last month that they did not think such a move was necessary or was justified, that the land in question, the utilities, the traffic situation after completing all of the substantial improvements that were discussed and that the other amenities were all adequate to support the development as they had proposed. We were advised that the staff report at that time was based solely on concerns about handling the traffic in the vicinity of the project. During the past month our experts and consultants and the city's experts and consultants have worked very hard on a further analysis of the traffic system and the effect that our proposed development would have upon the system. Before we discuss these improvements in greater detail, I would like to bring you up to date on some of the other traffic issues involved. You will remember last month that I discussed that there were some traffic problems in the area that were caused largely because of the Interstate System. I indicated that the solutions to these problems were not with in our control or within the city's control, but rested with the efforts of the state. There are some further developments in this regard and I will give you the information with respect to that. On October 20th the News Sentinel published an article titled "State Funds To Untie I-69 Knot". We have confirmed the information set forth in that article with Mr. Wehrenberg and others with the Indiana Department of Highways and they have advised as follows: "The State has appropriated more than \$500,000 for work on the I-69-Coldwater Road interchange, this money is in the bond funding project. Indianapolis engineering firm has been hired and its preparing the reports with regard to design of those improvements." While we do not know exactly what those improvements are likely to be your staff advises us that most likely that will result in some relocation of the existing exit ramp and most likely the adding of an additional exit ramp so that there will be two lanes. The Indiana Department of Highways

advises us that this work will be completed as early as 1990. These improvements are a reality, they are actually happening. And it will improve the traffic situation in the vicinity of our project. The State Highway Department further advised us that there is an additional study for all of the interchanges in the State of Indiana that this interchange will be included within that study. And that there is a possibility that additional improvements might be proposed at a later date. There is no definite time table on this study or when those improvements might be done, that study is just being undertaken. You also recall that last month we talked about the need to widen the I-69 bridge over Washington Center Road, so that the city can proceed with its plan of widening Washington Center Road to the West. The Highway Department advises us that this bridge is currently being designed by the State Consultants with a potential for six lanes and the capacity to meet the city's widening project for Washington Center Road below. As soon as these designs are completed the State will probably set a bid date. The State indicates that this work is tentatively scheduled for 1991. He stated that this will have a positive effect on the traffic situation of their development. The third thing that they talked about was the southeast portion of the I-69 expressway, the beltway around the city. He stated that this project is happening it is in progress, eventually when completed this will have a positive effect on the traffic in their area. We have been working very hard with the city traffic people in analyzing the traffic situation. The end product of the analysis is that our consultants and our experts believe that the traffic will work after they have made the improvements and the city experts believe that the traffic will work. Mr. Hoover then requested that their expert traffic consultant, Gary Overbay to talk briefly about the developments.

Janet Bradbury questioned that if they were to be given the rezoning would the project then start construction prior to the improvements to Washington Center Road and I-69 are complete.

Mr. Hoover stated yes, they would need to start their development this Spring. He stated the improvements that they intend to make will be part of their construction. He stated the point he was trying to make is that the other improvements are a reality and they are coming.

Gary Overbay stated that they had been working very closely with the city engineering staff. Mr. Overbay went through the planned improvements that the developer intends to do and stated that with the improvements the computer projections show that they will be able to maintain an acceptable level of service.

Alex DeMatourko addressed the marketing research that went into the selection of this site and interviews of potential tenants. He stated that Fort Wayne is 3rd in the state in terms of total effective buying power, and is 8% higher than the Indiana average. Trends have shown a 25% increase in the last 5 years.

Their studies indicated that Fort Wayne has approximately 10 Sq. Ft. of retail space per capita, versus 21 Sq. Ft. in Indianapolis and a 15 Sq. Ft. national average. Their proposed tenant line up will include 4 tenants from the Fortune 500, and they are roughly 70% leased for proposed space. The project should generate approximately 100 million dollars in retail sales and create between 1200 and 1500 new jobs.

Will Smith questioned if the marketing analysis dealt with that specific area versus the entire city.

Mr. DeMatourko stated that they have determined that Fort Wayne is under retailed and where the major corridors are in Fort Wayne and where new retail would make sense to be developed. Mr. DeMatourko stated that they check to see where the two major malls are and which was the stronger of the malls and therefore is more desirable and has a greater trade route. The Glenbrook Mall is visited by approximately 2/3 of Fort Wayne on a monthly basis, the Southtown Mall gets approximately 1/3 of this business on a monthly basis. He stated that this area is a stronger trade area visited by more people and they would fit into the existing retail that is already there.

Greg Purcell, Executive Director of CD&P appeared before the Commission. He stated that some things have recently changed with regard to this project. One of them are the interchange improvements which are being proposed for the I-69 interchange. He stated that they are not quite as convinced as Mr. Hoover that this is going to happen in as timely a fashion as he has suggested. He stated that Walt Stout, Traffic Engineer, has looked at this project and basically he has stated to the staff that he does not see that the traffic situation in the immediate vicinity is something that is not going to meet standards that he lives with as a professional. So with in the immediate area he is saying that he is not going along with the original recommendation, which was to deny the project at the density level that it was proposed. He stated he felt there were some other questions with regard to, what Walt Stout refers to as the "upstream and the downstream" traffic issues. A particular one is the I-69 underpass. While that is on the drawing boards and the State does have a commitment to go forward with it, there is obviously going to be some cost. Another issue with regard to this project in the immediate vicinity is something that came up at the last hearing and that was the storm water problem in the area. The developer does propose to make something slightly over \$500,000 in capital improvements. These improvements are not to be taken lightly. He stated what they are going to be exploring Tax Increment Financing District for this particular project. He stated they want to "capture" that tax increment for that project and utilize those additional dollars to do some of these improvements, to pay for the city's share of the underpass widening at I-69, to pay for some additional drainage work and storm sewer work that they feel is necessary in that area. And to pay for some improvements which will be along Washington

Center Road to help that East/West traffic. He stated that staff did not have an answer yet, if we can do that, how we can structure, and what the time frame would be. He stated that the project looks more favorable than ever before. He stated that if they are going to do the project in this fashion he felt the most they could get out of it for alleviating the major problems with drainage and traffic would be realizing the financing district. He stated that it would give the city enough money to make a major dent in a lot of those problems.

Walt Stout, Traffic Engineering, appeared before the Commission. Mr. Stout stated that they cannot solve all of the traffic problems in the area because the city does not have enough money. He stated the more that they have a system that is being installed on North Clinton Street between Coliseum Blvd and Washington Center - St Joe Center intersection and it runs on Washington Center Road from Clinton Street to Coldwater and then back south from Coldwater to Coliseum. He stated this new system will allow the city to very effectively be able to move traffic through that area safely and efficiently by computer control. Mr. Stout stated that they feel that with this system and the roadway improvements that the developer has committed to, that the level that is presently there now can still be maintained and will still accommodate the traffic that will be using this development. He further stated that with all of these improvements there is also a possibility that the traffic flow would be somewhat improved.

A. W. Fruechtenicht, attorney representing Tara-Coop Apartments appeared before the Commission. Mr. Fruechtenicht stated that last month at the public hearing he submitted a letter to the Commission expressing the concerns of the Tara Coop residents. He stated that they are willing to accept the development but request that the city protect their rights. He stated that they are requesting that the Commission require the developer to screen out the noise and the sights with scenic mounding and landscaping and to prohibit intrusion of commercial traffic into their neighborhood. Mr. Fruechtenicht requested that the Commission require the developer to create a separate entrance off of Coldwater Road, only with that entrance would Tara support this development. He stated that the request the Commission to require a covenant that either none, or at least no more than one entrance be allowed onto West Essex Lane. He stated that this covenant would apply to the entire 75 acres which includes the 10 acres of land that is not included in this present development. Mr. Fruechtenicht stated that if they can be assured that their requests will be satisfied they will support the proposed development.

Jerry Dirig, 5702 Homewood Drive spoke in favor of the proposed development and endorsed the project.

The following people spoke in opposition to the proposed development.

Ed Weigmann, 324 E Essex Lane, school crossing guard for Tara
Marilyn Minnick, 5421 Riviera Drive
Fred Koverman, 5225 Stony Run Lane
Margie Koverman, 5225 Stony Run Lane

The basis for the opposition was as follows:

- no need for further development of this type in area - area is already inundated with shopping centers and residents in area are surrounded by commercial uses and they questioned the market need
- it was stated that Coldwater Road already has a traffic count of 25,000 to 30,000 cars a day this would add to the already serious traffic problems on Coldwater as well as on Washington Center Road
- residents of Tara have only Essex Lane as access they do not want a business cut on to Essex
- flooding in area of Coldwater Road cuts off all traffic flow this would only create additional flooding
- safety of pedestrian traffic would be threaten more by additional development
- there was concern on the part of the residents that more development of this nature would devalue their properties to the extent that they would be unable to sell
- the sewer lines in the area would not be adequate for the additional output

Mr. Hoover in rebuttal stated that he felt that he could work with Tara and solve their problems. He stated the only thing they did not agree on was the request for a covenant. He stated he felt it was poor planning. He stated that private deed restrictions last forever. He stated that circumstances do change and might change at sometime in the future that further access would not be a detriment on Essex Lane. He stated that they do not want to or intend to create a safety problem in the area.

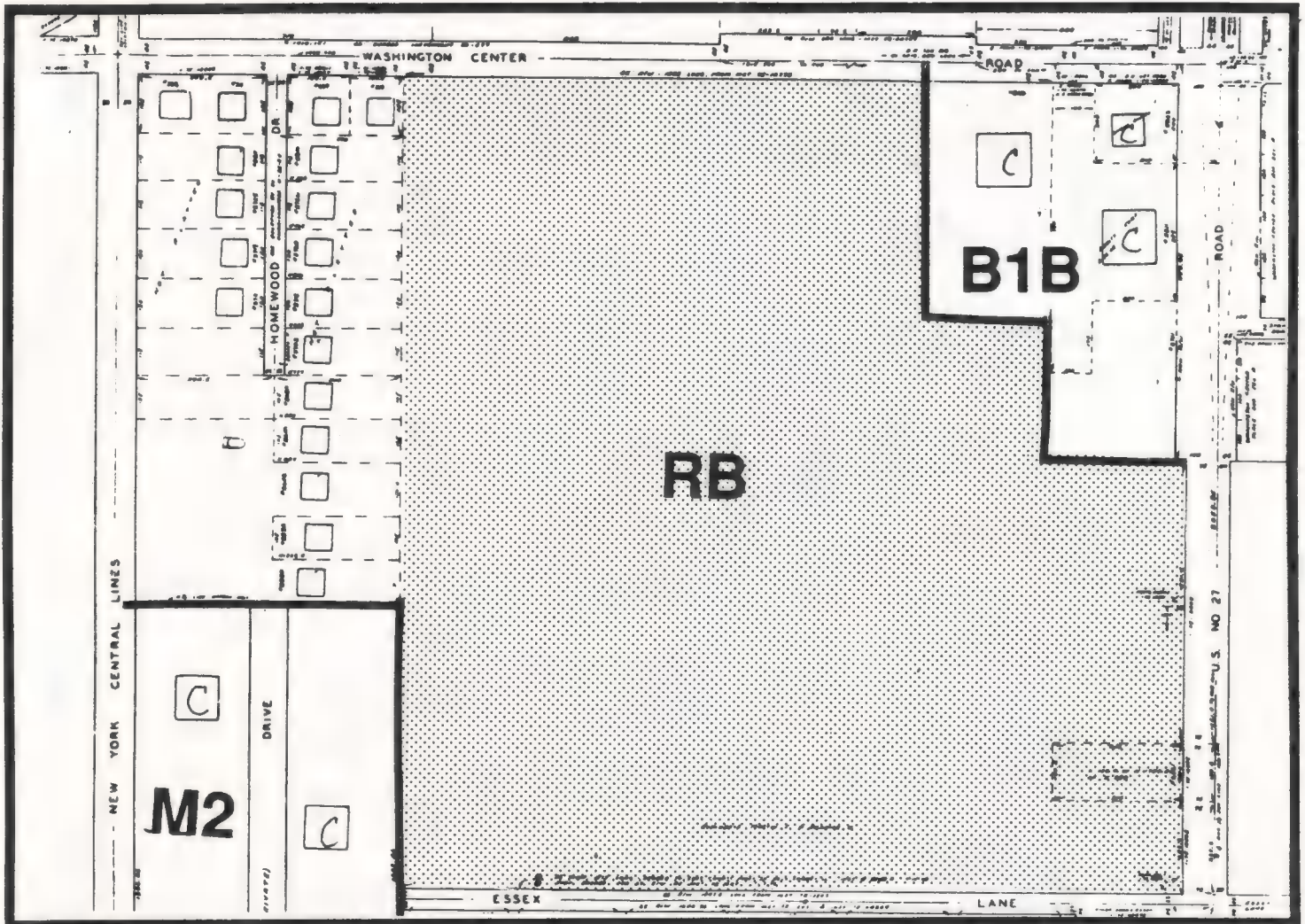
There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning and development plan.

REZONING PETITION #369

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED FROM A RA DISTRICT TO A B2D DISTRICT.

MAP NO. M-34

COUNCILMANIC DISTRICT NO.3



ZONING:

M2 GENERAL INDUSTRY

B1B LIMITED BUSINESS "B"

RB RESIDENCE "B"

LAND USE:



SINGLE FAMILY



COMMERCIAL

SCALE: N.T.S.

DATE: 9-22-88



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on October 11, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-88-10-08; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on October 17, 1988 and November 21, 1988.

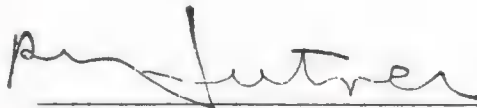
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 28, 1988.

Certified and signed this
29th day of November 1988.



Robert Hutner
Secretary

Robert T. Hoover, attorney representing Martin F. Rodenbeck; Lincoln National Bank and Trust Company of Fort Wayne, Trustees under the will of Marie Rodenbeck, request a change of zone from RB to B-2-D.

Location: Approximately the southwest corner of Washington Center Road and Coldwater Road.

Legal: See file

Land Area: Approximately 75.23 acres

Zoning: RB

Surroundings:	North	Mixed	Residential & Commercial
	South	RB	Residential
	East	Mixed	Residential & Commercial
	West	RB/M-2	Residential & Industrial

Reason for Request: Planned Regional Shopping Center

Neighborhood Assoc.: None

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The overall goal in the Outer Ring is to encourage growth in a balanced manner that is within or adjacent to existing development in the urban service area. The goal in the North Sector, where this request is located, is for orderly growth.

Neighborhood Plan: No Comment

Landscape: No comment received

Planning Staff Discussion:

This rezoning petition will have a major impact on the immediate area since it is a request for a planned regional shopping center. Its proximity to residential land uses, and general traffic characteristics plus additional vehicle trip generation require careful evaluation.

As part of the rezoning petition, the petitioners are required to

submit both a market analysis and traffic study. These items are evaluated along with the established criteria used by staff. We do not believe that market analysis should be a prime factor in the evaluation of a rezoning petition, but have included some discussion for informational purposes.

Recent examination of local demographics indicate that while there has been a decrease in the number of city residents, there has been a corresponding increase in the quad-area that includes Allen, Adams, DeKalb and Wells counties. The general market area proposed for this development already includes the Glenbrook Square---Glenbrook Commons complex, K-Mart Plaza, Northcrest, The Shoppes, Plaza at the Glen, Stone Pointe Village, and two newly developing complexes in the county, plus various strip retail outlets.

The market analysis submitted by the developer is a well defined and researched document, but should include additional data in order to fully reflect current market conditions. The analysis omits some other retail shopping area that probably should have been included in order to present a more accurate comparison. These areas include the Village at Coventry which has a 29% vacancy rate, Park West at 47%, the East State Shopping Center at 54%, etc. Obviously a low vacancy rate at one location probably indicates a much higher rate at another.

The major objection that we have regarding this petition is that the scale of development (over 563,000 Sq. Ft.) appears to be too intense for the current infrastructure. Traffic volumes currently measure in the area of 26,000 vehicles per day on both Washington Center and Coldwater Roads. The submitted traffic impact analysis estimates that this center will generate an estimated 3600 additional peak hour vehicles. This increase will impact levels of service, even with proposed improvements.

While the restrictions imposed by the roadway system are to a large extent beyond the developers control, evaluation must give major importance to traffic generation and impact levels. We conclude that a project of this scope and scale, located on this site, would have a negative impact on public safety and welfare as evidenced by traffic demands. However, it is not acceptable to maintain that this site should remain residential. The highest and best use clearly lies in another direction.

The purpose of a planned shopping center designation is to encourage adequate commercial facilities at appropriate locations, and of appropriate design, scale and intensity to create a harmonious and functional relationship with the immediate surroundings and the community. We would therefore suggest that an appropriate classification may be found with the B-2-C (Metropolitan Shopping Center). This classification would require a scaling down of the proposed development, as maximum square footage under roof is limited to 327,000 Square Feet. A development of that size would be more acceptable in light of the

surrounding area and its physical constraints.

We would further suggest to the developer that consideration should be given to the lay out of the site plan to allow for the possibility of future expansion. In the future, roadway and other improvements may support a larger scale development at this site.

Based upon the revised recommendation from the Traffic Engineering Department dated November 17, 1988, a copy of which is enclosed, and our proposal to establish an economic development and allocation area through a tax increment financing district, the planning staff is amending its recommendation.

Recommendation: Do Pass



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

28 November 1988

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-88-10-07

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
28th day of November 1988.

Robert Hutner
Secretary

FACT SHEET

Z-88-10-07

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

APPROVAL DEADLINE**REASON**

From RA to B-4

DETAILS

Specific Location and/or Address 5706 Covington Road
Reason for Project Additional parking for McDonalds.
Discussion (Including relationship to other Council actions) <u>17 October 1988 - Public Hearing</u> The petitioner requested and was granted a deferral to the November public hearing. <u>21 November 1988 - Public Hearing</u> The petitioner requested that this request be withdrawn. Motion was made and seconded to withdraw the petition. Of the seven (7) members present six (6) voted in favor of the motion one (1) did not vote. Motion carried.

POSITIONS**RECOMMENDATIONS**

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) McDonalds Corporation City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 16 September 1988

Projected Completion or Occupancy

Date 28 November 1988

Fact Sheet Prepared by

Date 28 November 1988

Patricia Biancaniello

Reviewed by



Date

Nov. 29/1988

Reference or Case Number

Rec'd. 11-14-88

FACSIMILE
219-422-5925

TELEX 4972139

BAKER & DANIELS & SHOAFF

2400 FORT WAYNE NATIONAL BANK BLDG.

P.O. BOX 12709

FORT WAYNE, INDIANA 46864

219-424-8000

BAKER & DANIELS
810 FLETCHER TRUST BUILDING
INDIANAPOLIS, INDIANA 46204-2454
317-237-4535

BAKER & DANIELS
SUITE 600 1920 N STREET N.W.
WASHINGTON, D.C. 20036
202-785-1565

JON A. BOMBERGER

November 11, 1988

Mr. Wayne O'Brien
Community Development and
Planning Office
City-County Building
One Main Street
Room 830
Fort Wayne, Indiana 46802

Re: Rezoning Petition 370
5706 Covington Road
Lots 237 and 238
County Club Addition
McDonald's Corporation

Dear Mr. O'Brien:


In accordance with our discussions regarding the above-mentioned rezoning petition, please be advised that McDonald's Corporation requests that its petition be withdrawn from consideration by the Fort Wayne City Plan Commission.

I have discussed your comments and suggestions with regard to my client's needs for additional parking. My client has decided to withdraw its current rezoning petition and seek the suggested contingent use permit for parking before the Fort Wayne Board of Zoning Appeals as outlined in your comments to the rezoning petition. As you suggested, my client will consider rezoning their entire tract to a B-1-B designation at a later date.

Please contact me if you have any questions, comments or concerns with regard to this matter. Please notify me if it will be necessary for me to attend the public hearing to withdraw this petition.

Very truly yours,

BAKER & DANIELS & SHOAFF


Jon A. Bomberger

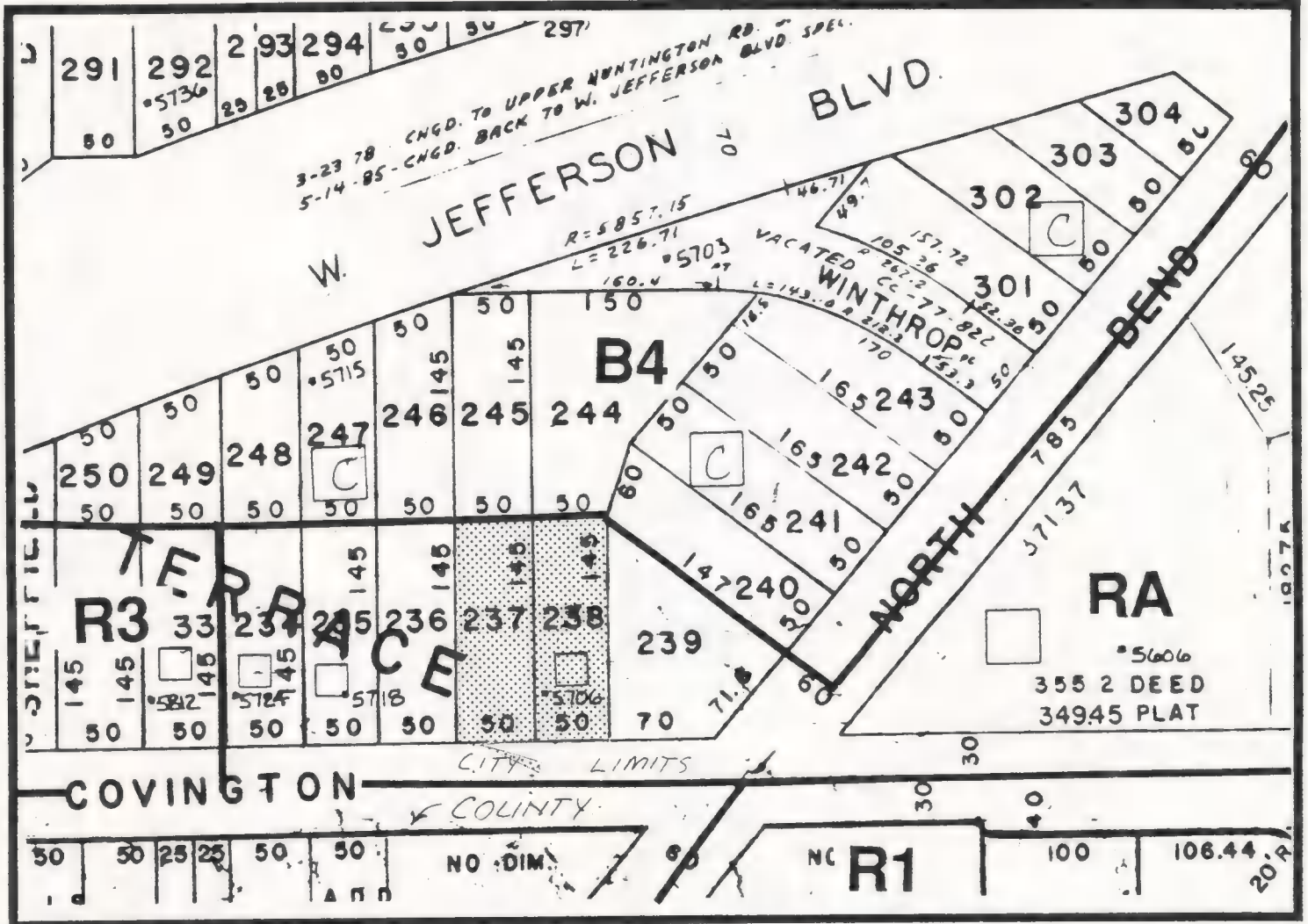
JAB/kar

REZONING PETITION #370

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A RA DISTRICT TO A B4 DISTRICT.

MAP NO. E-3

COUNCILMANIC DISTRICT NO.4



ZONING:

- R1 RESIDENTIAL DISTRICT
- R3 RESIDENTIAL DISTRICT
- RA RESIDENCE "A"
- B4 ROADSIDE BUSINESS

LAND USE:

- ☐ SINGLE FAMILY
- ☒ COMMERCIAL

SCALE: 1"=200'

DATE: 9-22-88



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on October 11, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-88-10-07: and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on October 17, 1988.

WHEREAS, a letter requesting WITHDRAWAL of the proposed ordinance has been filed with the City Plan Commission.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held 21 November 1988.

Certified and signed this
28th day of November 1988.

A handwritten signature in dark ink, appearing to read "Robert Hutner", is written over a horizontal line.

Robert Hutner
Secretary

Robert T. Hoover, attorney for McDonald's Corporation, requests a change of zone from RA to B-4.

Location: 5706 Covington Road

Legal: Lots 237 & 238 Country Club Addition

Land Area: Approximately 0.33 acres

Zoning: RA

Surroundings:

North	B-4	McDonalds
South	County	
East	RA	Residential
West	RA	Residential

Reason for Request: Not stated on petition, but to be used for additional parking.

Neighborhood Assoc.: None

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The overall goal in the Outer Ring is to encourage growth in a balanced manner that is within or adjacent to existing development in the urban service area. The goal in the West Sector, where this request is located, is to contain urban growth within the urban service line. Commercial encroachment in this area is not compatible with the existing land use.

Neighborhood Plan: No Comment

Landscape: No comment received

Planning Staff Discussion:

This site currently houses a residential structure. McDonalds is requesting a change of zone for the property to bring it in line with the existing McDonalds zoning. Their apparent intention is to use the property for additional parking, and to provide an additional access onto Covington Road.

We are very concerned with this location as it borders residential development to the east and south. While we see some merit to the petition, we also see the need to address traffic concerns, both congestion and conflict, and intrusion into

residential areas. If the petition included the entire land mass between the vacated Sheffield Drive and North Bend Drive, consideration of a lower intensity commercial designation might receive a favorable recommendation, especially if accompanied by a frontage road agreement.

As the unstated intent of the petitioner is to provide additional parking, and another access location, we would suggest that parking could be achieved thru petition to the Board of Zoning Appeals. Due to traffic flows currently on Covington Road, and this site's proximity to major intersections, we would not favor another commercial access at this time. The petitioner currently has access locations on both Jefferson Blvd. and South Bend Drive. Restricting use of this site to exclude another ingress/egress would avoid potential traffic conflicts.

Recommendation: Do Not Pass

1) Approval would create a serious impact on surrounding residential properties due to the intensities of use allow in the requested district.

2) Approval would not be compatible with existing land uses, and would represent commercial encroachment.

The petitioner would be urged to consider either seeking Board of Zoning Appeals approval of a parking lot request (without access onto Covington Road), or to get the other property owners on this side of Covington Road to join in a petition for a less intense change of zone. (The Plan Commission may wish to consider the merits of a frontage road in this location.)



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

8 December 1988

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-87-05-33

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
4th day of March 1988.

Robert Hutner
Secretary

FACT SHEET

Z-87-05-33

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

From RA to B-2-C

APPROVAL DEADLINE**REASON****DETAILS****Specific Location and/or Address**

2210 & 2212 Maplecrest Road

Reason for Project

Correction of Error

Discussion (Including relationship to other Council actions)

18 May 1987 - Public Hearing

V.C. Seth, Director of Planning for CD&P, stated that this had been initiated by the Plan Commission in order to correct an error. He stated that when this was originally zoned it was in the County and when it was annexed into the City, by mistake, it was left out of the shopping center zoning.

Richard (inaudible) a Board Member of the Valley Park Forest Community Association read a letter to the Commission concerning a conversation between himself, Bruce Julian, Secretary of the Association and Mr. Scott the owner of the complex. The letter stated that they had agreed along with Mr. Scott to rezone the property to a B-1-A, which would allow him to continue his business as it has been run in the past. The association was concerned that the B-2-C zoning would allow for uses that would not be conducive to the area but detrimental.

Steve Smith questioned if the property owner had agreed with the perfection to B-1-A.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**City Plan Commission
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

**Staff
Recommendation**☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation****By**☒ For ☐ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/ PROGRAM IMPACT

The gentleman stated it was his understanding that Mr. Scott did agree to that perfection to a B-1-A.

Steve Smith requested prior to the business meeting that the staff confirm that conversation.

V.C. Seth pointed out that a B-2-C is a planned development which gives the city more control over the development of the land. The B-1-A district allows for no Plan Commission control. He stated that the B-2-C would be a logical extension of the shopping center and if the Commission so wished they could require some landscape buffering along the property if zoned to B-2-C.

There was no one else to speak in favor of or in opposition to the proposed rezoning.

1 June 1987 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation with the following condition: The property owner submit a document, in recordable form, that excludes:

- a) Service Stations
- b) Taverns & Bars
- c) Package Liquor Stores
- d) Masseur Salon
- e) Public Bath
- f) Billiard & Pool Hall

From the permitted uses for this parcel.

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

NOTE: The petitioner has submitted and had approved by the Plan Commission attorney a document, which has been recorded, as requested by the Commission.

Of the eight (8) members present seven (7) voted in favor of the motion one (1) did not vote. Motion carried.

This request has been held because there was an error in the Restrictive Covenant originally recorded in February 1988. The petitioner has since corrected the error and recorded the Covenant on December 7, 1988.

Project Start

Date 13 April 1987

Projected Completion or Occupancy

Date 8 December 1988

Fact Sheet Prepared by
Patricia Biancaniello

Date 8 December 1988

Reviewed by

Date Dec 9, 1988

Reference or Case Number

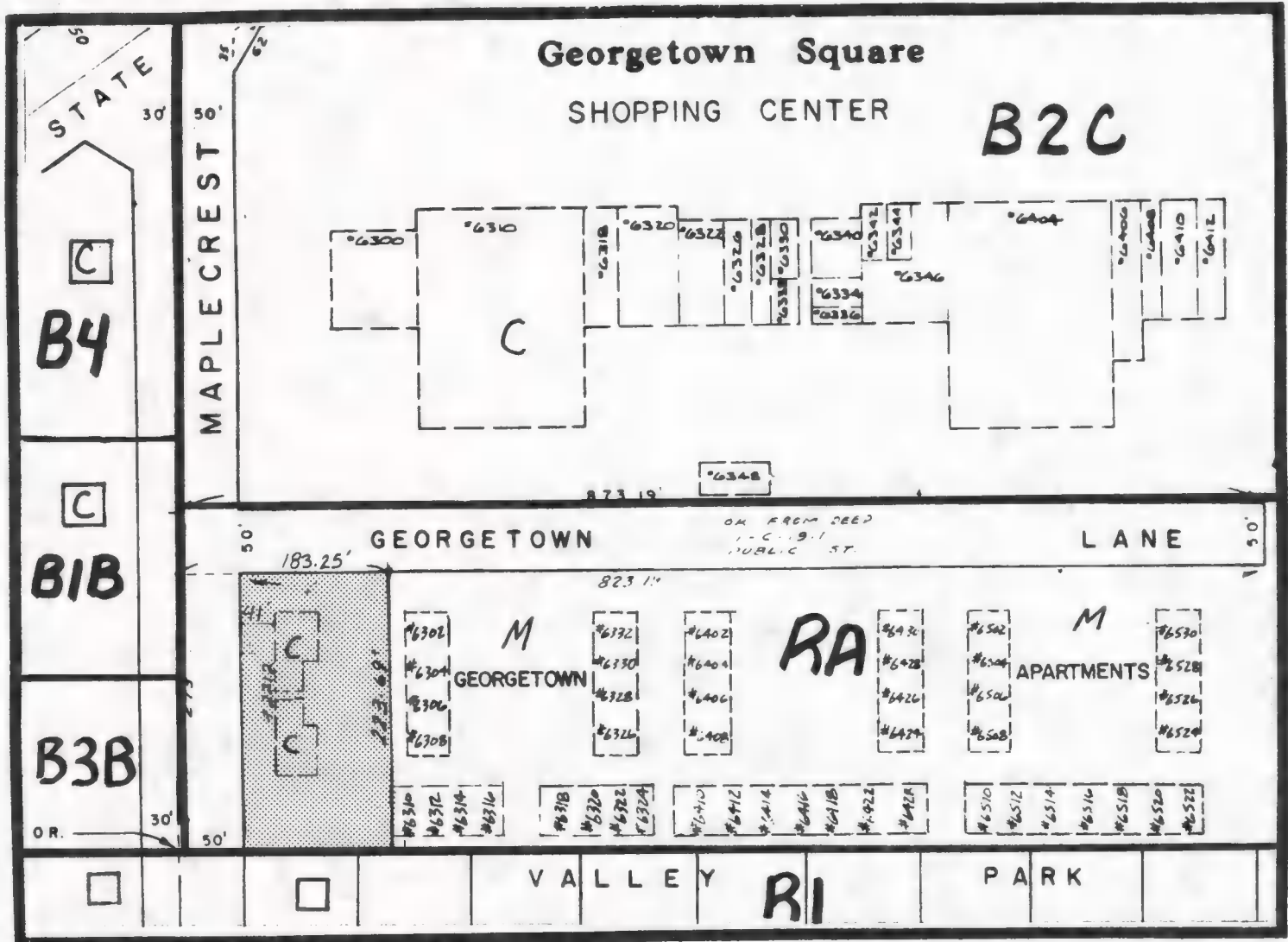
V.C. Seth

REZONING PETITION #270

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN RA DISTRICT TO A B2C DISTRICT.

MAP NO. V-18

COUNCILMANIC DISTRICT NO. 2



ZONING:

RA RESIDENCE 'A'
 RI RESIDENTIAL DISTRICT
 B2C METROPOLITAN SHOPPING CENTER
 B1B LIMITED BUSINESS 'B'
 B3B GENERAL BUSINESS 'B'
 B4 ROADSIDE BUSINESS

LAND USE:

- ☐ SINGLE FAMILY
- ☒ MULTI-FAMILY
- ☒ COMMERCIAL

SCALE: 1" = 200'

DATE: 4-29-87



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 26, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-87-05-33; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 18, 1987.

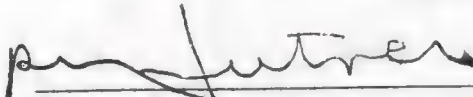
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 1, 1987.

Certified and signed this
4th day of March 1988.


Robert Hutner
Secretary

Change of Zone # 270

The Fort Wayne City Plan Commission requests a change of zone from RA to B-2-C.

Location: 2210 & 2212 Maplecrest Road

Legal: See File

Land Area: Approximately 0.94 acres

Zoning: RA

Surroundings:	North	B-2-C	Georgetown Square
	South	R-1	Single Family Residential
	East	RA	Multi-family Residential
	West	B1B/B3B	Commercial

Reason for Request: Correction of error

Neighborhood Assoc.: None

Neighborhood Plan: No Comment

Landscape: No Comment

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The Goal in the Northeast Sector, where this request is located, is to maintain a balanced development pattern within the urban service area.

Planning Staff Discussion:

This parcel has been subject to an error in zoning classification that was just recently brought to our attention. The history of the parcel goes back to the Allen County Plan Commission when they were processing the rezoning for the Lake Forest Shopping Center (Georgetown Square). From comparison of files it appears that this property was included in the legal description of the shopping centers application. Historically, at that time, a shopping center was only located within a certain distance of a designated shopping center symbol. A few years thereafter, the concept of symbol-zoning was determined to be illegal, and plan commissions at all locations rezoned parcels to shopping center classifications.

Change of Zone #270

This property was developed commercially when it was within range of the shopping center symbol, and appears to have been included in the legal description supplied to the county at the time of the original rezoning. However, the county did not officially reclassify this parcel when they did the rezoning of Georgetown Square. The city eventually annexed this area. At the time of annexation the zoning shown on this parcel would have been comparable to the city's RA designation. Therefore the annexation documents placed this property in the RA classification.

The extension of the Shopping Center to include these properties, which were built as commercial structures is consistent with the land uses in the area of Maplecrest and State.

The staff has met with representatives of the neighborhood association, and the property owner. In that discussion it was agreed that certain uses would be restricted from the B-2-C classification. As this restriction was voluntary, we suggest that the Plan commission review that restriction, in recordable covenant form, prior to final approval.

Recommendation: Conditional Approval, contingent upon the property owner submitting a document, in recordable form, that excludes:

- a) Service Stations
- b) Taverns & Bars
- c) Package Liquor Stores
- d) Masseur Salon
- e) Public Bath
- f) Billiard and Pool Hall

from the permitted uses for this parcel, as volunteered by the property owner.

1) Approval would correct an apparent error and provide the correct zoning designation for the property.

2) Approval would have little impact on the area, as the parcel houses structures that were built in 1972 as commercial sites.

3) Approval would be consistent with existing land uses and the voluntary omission of unsuitable uses increases the public acceptability of this petition.

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday, the 13th day of December, 19⁸⁸, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances, and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 13th day of December, 19⁸⁸,



SANDRA E. KENNEDY, CITY CLERK

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of
Public Safety Regulatory Resolution Numbers:

144/88/E	147/88/E
145/88/E	148/88/D
146/88/D	

For the purpose of enforcement, please make this
communication and the attached Regulatory Resolutions a
matter of record and incorporate them into the minutes of the
next Common Council Meeting.

Respectfully Submitted,



Chairman, Board of Safety

R E T U R N C E R T I F I C A T E

(Regulatory Resolution No. 144/88/E , 145/88/E, .
146/88/D, 147/88/E
148/88/D

I hereby certify that I did this 23rd day of
November, 1988 deliver to each, the City Traffic Engineer,
the Chief of Police, the City Attorney, the City Clerk and the
President of the Common Council of the City of Fort Wayne, Indiana
respectively, a copy of the within Regulatory Resolution
No. SEE ABOVE of the Board of Public Safety of the City of Fort
Wayne, duly certified by me as Chairman of said Board, in
accordance with the provisions of Section 17-4 of Chapter 17, of
the Code of the City of Fort Wayne, 1986.

Daniel J. Heald

CHAIRMAN, Board of Safety

REGULATORY RESOLUTION NO. 144/88/ E
(Adopted November 23, 1988)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to :

DELETE:

IMPAIRED MOBILITY PARKING (RESIDENTIAL) (EMERGENCY)

_____ ; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated November 16, 1988, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective:

November 23, 1988, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

DELETE:

IMPAIRED MOBILITY PARKING (RESIDENTIAL) (EMERGENCY)

920 Home Avenue --north side from 190' west of Indiana Avenue to 25' west thereof

REGULATORY RESOLUTION NO. 145/88/ E
(Adopted November 23, 1988)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to :

IMPAIRED MOBILITY PARKING (RESIDENTIAL) (EMERGENCY)

_____; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated November 14, 1988, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective:

November 23, 1988, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

IMPAIRED MOBILITY PARKING (RESIDENTIAL) (EMERGENCY)

Gay Street	--west side--	from 50' north of Colerick Street to 20' north thereof
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REGULATORY RESOLUTION NO. 146/88 /D
(Adopted November 23, 1988)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-31 of said chapter delegates to this Board authority to _____

NO PARKING (DELEGATED)

_____ ; and

WHEREAS, the City Traffic Engineer has, by written memorandum dated November 16, 1988, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-31 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective November 23, 1988, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING (DELEGATED)

Crescent Avenue --east side-- from Nevada Avenue to 70' south thereof

REGULATORY RESOLUTION NO. 147/88/ E
(Adopted November 23, 1988)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to :

NO PARKING

(EMERGENCY)

_____ ; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated November 16, 1988, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective:

November 23, 1988, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING

(EMERGENCY)

Reed Road

--west side--

from Heatherwind Drive
to 300' north thereof

REGULATORY RESOLUTION NO. 148/88 /D

(Adopted November 23, 1988)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-31 of said chapter delegates to this Board authority to _____

PREFERENTIAL INTERSECTION (DELEGATED)

_____ ; and

WHEREAS, the City Traffic Engineer has, by written memorandum dated November 16, 1988, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-31 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective

November 23, 1988, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

PREFERENTIAL INTERSECTION (DELEGATED)

Werling Drive --preferential-- at Marcy Lane

President of the Common Council
City of Fort Wayne, Indiana

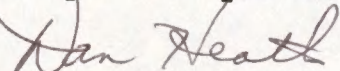
Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of
Public Safety Regulatory Resolution Numbers:

149/88/E

For the purpose of enforcement, please make this
communication and the attached Regulatory Resolutions a
matter of record and incorporate them into the minutes of the
next Common Council Meeting.

Respectfully Submitted,

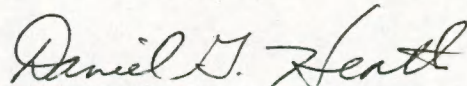
A handwritten signature in dark ink, appearing to read "Dan Heath". The signature is written in a cursive style with a large initial "D".

Chairman, Board of Safety

R E T U R N C E R T I F I C A T E

(Regulatory Resolution No. 149/88/E_____.

I hereby certify that I did this 7th day of
December, 19__ deliver to each, the City Traffic Engineer,
the Chief of Police, the City Attorney, the City Clerk and the
President of the Common Council of the City of Fort Wayne, Indiana
respectively, a copy of the within Regulatory Resolution
No. 149/88/E of the Board of Public Safety of the City of Fort
Wayne, duly certified by me as Chairman of said Board, in
accordance with the provisions of Section 17-4 of Chapter 17, of
the Code of the City of Fort Wayne, 1986.



CHAIRMAN, Board of Safety

REGULATORY RESOLUTION NO. 149/88/ E

(Adopted December 7, 1988)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to :

TRAFFIC SIGNAL

(EMERGENCY)

_____ ; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated _____, 1988, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective:

December 6 _____, 1988, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

TRAFFIC SIGNAL

(EMERGENCY)

St. Joe Center Road and Upper St. Joe Center Road
(Marketplace of Canterbury and Riviera Plaza)